

AMENDED IN ASSEMBLY MAY 5, 2009

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

**No. 1067**

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**Introduced by Assembly Member Brownley**

February 27, 2009

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An act to amend Sections 39807.5, 41850, 48853.5, and 49069.5 of the Education Code, and to amend Sections 358.1, 11460, 16010, ~~16500.1, and 16501.1~~ and *16500.1* of, and to add Section 10104 to, the Welfare and Institutions Code, relating to children.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Brownley. Children in foster care: school proximity and travel costs.

(1) Under existing law, the governing board of a school district may provide transportation to and from schools under specified circumstances. ~~The governing board may, in~~ *In* some circumstances, *the governing board may* require the parents and guardians of all or some of the pupils transported to pay a portion of the costs.

This bill would require governing boards that provide transportation to take into account the transportation needs of foster youth, as specified.

Under existing law, the state provides for specified funding for school districts, including funding for home-to-school transportation.

This bill would include transportation of foster youth to their school of origin in the definition of home-to-school transportation for these funding purposes.

Existing law specifies a process to be conducted by the local educational agency and the county placing agency to determine the

placement of a foster child in school, including determining the school of origin, methods for transfer, if appropriate, procedures for students who miss school for specified reasons, and the payment of transportation costs. The local educational agency and the county placing agency are encouraged to collaborate in this process.

This bill would make specified changes to the overall process and would specify that, as part of the collaborative efforts, a memorandum of understanding or equivalent mutual agreement be entered into to support a collaborative process for providing transportation for foster youth to their school of origin, as specified.

Existing law requires that a local educational agency ensure that no lowering of grades occur under prescribed circumstances, including when a pupil in foster care is absent due to a decision made by a court or placing agency to change the placement of the pupil or to a verified court appearance or other court activity.

This bill would add to these circumstances an absence of a child in foster care caused by a delay in securing appropriate transportation to the child's school of origin.

By imposing new duties upon local educational agencies, the bill would constitute a state-mandated local program.

(2) Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to the provision of appropriate placement and other services for children in foster care. When placement is determined for a child who has been adjudged a dependent of the juvenile court, existing law requires a social study to be made by a social worker or child advocate appointed by the court. Existing law requires the child's case plan to include a health and education summary, which, among other components, is required to include assurances that the placement takes into account proximity to the school in which the child is enrolled at the time of placement.

This bill would require the social study of a dependent child of the juvenile court to address whether the proposed placement takes school proximity into account and whether a transportation plan has been developed to ensure that the child remains enrolled in his or her school of origin, *unless inappropriate*, if the child's proposed placement is not in proximity to that school.

The bill would require that the health and education summary also include assurances that the child welfare agency has taken specified steps to ensure that the child remains in the school in which he or she is enrolled at the time of placement. ~~It would further require that the child's case plan include an emergency transportation plan that identifies resources and funding that shall be used, when necessary, to transport the child to the school of origin, if the child must be moved.~~ The bill would also state that county placing agencies are ultimately responsible for ensuring that the foster youth remain in his or her school of origin, *unless inappropriate*, and for providing transportation.

By imposing additional duties upon child welfare agencies, the bill would create a state-mandated local program.

This bill also would require the State Department of Social Services to take all necessary actions to maximize eligibility for available federal funding for reasonable travel costs for children in foster care, in accordance with a specified provision of federal law.

Under existing law, foster care providers are paid a specified rate for care and supervision of foster youth.

This bill would include reasonable travel costs for the child to remain in his or her school of origin in those costs.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 39807.5 of the Education Code is  
2 amended to read:  
3 39807.5. (a) When the governing board of a school district  
4 provides for the transportation of pupils to and from schools in  
5 accordance with Section 39800, or between the regular full-time  
6 day schools they would attend and the regular full-time  
7 occupational training classes attended by them as provided by a  
8 regional occupational center or program, the governing board of

1 the district may require the parents and guardians of all or some  
2 of the pupils transported, to pay a portion of the cost of this  
3 transportation in an amount determined by the governing board.

4 (b) The amount determined by the governing board shall be no  
5 greater than the statewide average nonsubsidized cost of providing  
6 this transportation to a pupil on a publicly owned or operated transit  
7 system as determined by the Superintendent, in cooperation with  
8 the Department of Transportation.

9 (c) For purposes of this section, “nonsubsidized cost” means  
10 actual operating costs less federal subventions.

11 (d) The governing board shall exempt from these charges pupils  
12 of parents and guardians who are indigent as set forth in rules and  
13 regulations adopted by the board.

14 (e) A charge under this section may not be made for the  
15 transportation of individuals with exceptional needs as defined in  
16 Section 56026.

17 (f) Nothing in this section shall be construed to sanction,  
18 perpetuate, or promote the racial or ethnic segregation of pupils  
19 in the schools.

20 (g) When transportation is provided to pupils within the district,  
21 the governing board shall take into account the special  
22 transportation needs of foster youth enrolled in the district,  
23 including, but not limited to, transportation to their school of origin.

24 SEC. 2. Section 41850 of the Education Code is amended to  
25 read:

26 41850. (a) Apportionments made pursuant to this article shall  
27 only be made for home-to-school transportation and special  
28 education transportation, as defined in this section.

29 (b) As used in this article, “home-to-school transportation”  
30 includes all of the following:

31 (1) The transportation of pupils between their homes and the  
32 regular full-time day school they attend, as provided by a school  
33 district or county superintendent of schools.

34 (2) The payment of moneys by a school district or county  
35 superintendent of schools to parents or guardians of pupils made  
36 in lieu of providing for the transportation of pupils between their  
37 homes and the regular full-time day schools they attend.

38 (3) Providing board and lodging to pupils by a school district  
39 or county superintendent of schools made in lieu of providing for

1 the transportation of pupils between their homes and the regular  
2 full-time day schools they attend.

3 (4) The transportation of pupils between the regular full-time  
4 day schools they would attend and the regular full-time  
5 occupational training classes they attend, as provided by a regional  
6 occupational center or program.

7 (5) The transportation of individuals with exceptional needs, as  
8 specified in their individualized education programs, who do not  
9 receive special education transportation as defined in subdivision  
10 (d).

11 (6) The payment of moneys by a school district or county  
12 superintendent of schools for the replacement or acquisition of  
13 schoolbuses.

14 (7) The transportation of foster youth to their school of origin  
15 pursuant to paragraph (5) of subdivision (d) of Section 48853.5.

16 (c) For purposes of this article, the computation of the  
17 allowances provided to a regional occupational center or program  
18 shall be subject to all of the following:

19 (1) A regional occupational center or program shall receive no  
20 allowance for 50 percent of the total transportation costs.

21 (2) A regional occupational center or program shall be eligible  
22 for a transportation allowance only if the total transportation costs  
23 exceed 10 percent of the total operational budget of the regional  
24 occupational center or program.

25 (3) A regional occupational center or program eligible for a  
26 transportation allowance pursuant to paragraph (2) shall receive  
27 an amount equal to one-third of the transportation costs subject to  
28 reimbursement.

29 (d) As used in this article, "special education transportation"  
30 means either of the following:

31 (1) The transportation of severely disabled special day class  
32 pupils, and orthopedically impaired pupils who require a vehicle  
33 with a wheelchair lift, who received transportation in the prior  
34 fiscal year, as specified in their individualized education program.

35 (2) A vehicle that was used to transport special education pupils.

36 SEC. 3. Section 48853.5 of the Education Code is amended to  
37 read:

38 48853.5. (a) This section applies to any foster child who has  
39 been removed from his or her home pursuant to Section 309 of the  
40 Welfare and Institutions Code, is the subject of a petition filed

1 under Section 300 or 602 of the Welfare and Institutions Code, or  
2 has been removed from his or her home and is the subject of a  
3 petition filed under Section 300 or 602 of the Welfare and  
4 Institutions Code.

5 (b) Each local educational agency shall designate a staff person  
6 as the educational liaison for foster children. In a school district  
7 that operates a foster children services program pursuant to Chapter  
8 11.3 (commencing with Section 42920) of Part 24, the educational  
9 liaison shall be affiliated with the local foster children services  
10 program. The liaison shall do all of the following:

11 (1) Ensure and facilitate the proper educational placement,  
12 enrollment in school, and checkout from school of foster children.

13 (2) Assist foster children when transferring from one school to  
14 another or from one school district to another in ensuring proper  
15 transfer of credits, records, and grades.

16 (c) This section does not grant authority to the educational  
17 liaison that supersedes the authority granted under state and federal  
18 law to a parent or guardian retaining educational rights, a  
19 responsible adult appointed by the court to represent the child  
20 pursuant to Section 361 or 726 of the Welfare and Institutions  
21 Code, a surrogate parent, or a foster parent exercising the authority  
22 granted under Section 56055. The role of the educational liaison  
23 is advisory with respect to placement decisions and determination  
24 of school of origin.

25 (d) (1) At the initial detention or placement, or any subsequent  
26 change in placement of a foster child, the local educational agency  
27 serving the foster child shall allow the foster child to continue his  
28 or her education in the school of origin, *unless inappropriate*, for  
29 the duration of the placement.

30 (2) The liaison, in consultation with and with the agreement of  
31 the foster child and the person holding the right to make  
32 educational decisions for the foster child, may, in accordance with  
33 the foster child's best interests, recommend that the foster child's  
34 right to attend the school of origin be waived and the foster child  
35 be enrolled in a public school that pupils living in the attendance  
36 area in which the foster child resides are eligible to attend.

37 (3) Prior to making a recommendation to move a foster child  
38 from his or her school of origin, the liaison shall provide the foster  
39 child and the person holding the right to make educational decisions  
40 for the foster child with a written explanation stating the basis for

1 the recommendation and how this recommendation serves the  
2 foster child's best interest.

3 (4) (A) If the liaison in consultation with the foster child and  
4 the person holding the right to make educational decisions for the  
5 foster child agree that the best interests of the foster child would  
6 best be served by his or her transfer to a school other than the  
7 school of origin, the foster child shall immediately be enrolled in  
8 the new school.

9 (B) The new school shall immediately enroll the foster child  
10 even if the foster child has outstanding fees, fines, textbooks, or  
11 other items or moneys due to the school last attended or is unable  
12 to produce records or clothing normally required for enrollment,  
13 such as previous academic records, medical records, proof of  
14 residency, other documentation, or school uniforms.

15 (C) The liaison for the new school shall, within two business  
16 days of the foster child's request for enrollment, contact the school  
17 last attended by the foster child to obtain all academic and other  
18 records. All required records shall be provided to the new school  
19 regardless of outstanding fees, fines, textbooks, or other items or  
20 moneys owed to the school last attended. The school liaison for  
21 the school last attended shall provide all records to the new school  
22 within two business days of receiving the request.

23 (5) If a dispute arises regarding the request of a foster child to  
24 remain in the school of origin, the foster child has the right to  
25 remain in the school of origin pending resolution of the dispute.  
26 The dispute shall be resolved in accordance with the existing  
27 dispute resolution process available to a pupil served by the local  
28 educational agency.

29 (6) The local educational agency and the county placing agency  
30 are encouraged to collaborate to ensure maximum utilization of  
31 available federal moneys, explore public-private partnerships, and  
32 access other funding sources to promote the well-being of foster  
33 children through educational stability. These collaborative efforts  
34 may include, but are not limited to, entering into a memorandum  
35 of understanding or equivalent mutual agreement to support a  
36 collaborative process for providing transportation for foster youth,  
37 when necessary, *and unless inappropriate*, to their school of origin.  
38 The memorandum of understanding or equivalent mutual  
39 agreement may include, but is not limited to, all of the following:

1 (A) A process to identify all available funding sources for the  
2 transportation of foster youth.

3 (B) Development of a mechanism to match funding sources  
4 with specific circumstances.

5 (C) Development of a mechanism to resolve disagreements  
6 ~~about funding. That mechanism may include another entity~~  
7 ~~petitioning the juvenile court, pursuant to procedures established~~  
8 ~~by the California Rules of Court, to resolve the dispute. about~~  
9 ~~funding.~~

10 (D) A process to ensure immediate payment of transportation  
11 costs to the school of origin using funds provided by Section  
12 675(4)(A) of Title 42 of the United States Code, until the issues  
13 with respect to the funding of transportation are resolved.

14 (E) The identification of point persons at the local educational  
15 agency and county placing agency who are responsible for ensuring  
16 that transportation is provided.

17 (e) For purposes of this section, “school of origin” means the  
18 school that the foster child attended when permanently housed or  
19 the school in which the foster child was last enrolled. If the school  
20 the foster child attended when permanently housed is different  
21 from the school in which the foster child was last enrolled, or if  
22 there is some other school that the foster child attended with which  
23 the foster child is connected and which the foster child attended  
24 within the immediately preceding 15 months, the liaison, in  
25 consultation with and the agreement of the foster child and the  
26 person holding the right to make educational decisions for the  
27 foster child, shall determine, in the best interests of the foster child,  
28 the school that shall be deemed the school of origin.

29 (f) This section does not supersede other law governing the  
30 educational placements in juvenile court schools, as defined by  
31 Section 48645.1, by the juvenile court under Section 602 of the  
32 Welfare and Institutions Code.

33 SEC. 4. Section 49069.5 of the Education Code is amended to  
34 read:

35 49069.5. (a) The Legislature finds and declares that the  
36 mobility of pupils in foster care often disrupts their educational  
37 experience. The Legislature also finds that efficient transfer  
38 procedures and transfer of pupil records is a critical factor in the  
39 swift placement of foster children in educational settings.



1 (b) The proper and timely transfer between schools of pupils in  
2 foster care is the responsibility of both the local educational agency  
3 and the county placing agency.

4 (c) As soon as the county placing agency becomes aware of the  
5 need to transfer a pupil in foster care out of his or her current  
6 school, the county placing agency shall contact the appropriate  
7 person at the local educational agency of the pupil. The county  
8 placing agency shall notify the local educational agency of the  
9 date that the pupil will be leaving the school and request that the  
10 pupil be transferred out.

11 (d) Upon receiving a transfer request from a county placing  
12 agency, the local educational agency shall, within two business  
13 days, transfer the pupil out of school and deliver the educational  
14 information and records of the pupil to the next educational  
15 placement.

16 (e) As part of the transfer process described under subdivisions  
17 (c) and (d), the local educational agency shall compile the complete  
18 educational record of the pupil including a determination of seat  
19 time, full or partial credits earned, current classes and grades,  
20 immunization and other records, and, if applicable, a copy of the  
21 pupil's plan adopted pursuant to Section 504 of the federal  
22 Rehabilitation Act of 1973 (29 U.S.C. Sec. 794 et seq.) or  
23 individualized education program adopted pursuant to the federal  
24 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400  
25 et seq.).

26 (f) The local educational agency shall assign the duties listed  
27 in this section to a person competent to handle the transfer  
28 procedure and aware of the specific educational recordkeeping  
29 needs of homeless, foster, and other transient children who transfer  
30 between schools.

31 (g) The local educational agency shall ensure that, if the pupil  
32 in foster care is absent from school due to a decision to change the  
33 placement of a pupil made by a court or placing agency or by a  
34 delay in securing appropriate transportation for the pupil to his or  
35 her school of origin, the grades and credits of the pupil will be  
36 calculated as of the date the pupil left school, and no lowering of  
37 grades will occur as a result of the absence of the pupil under these  
38 circumstances.

39 (h) The local educational agency shall ensure that, if the pupil  
40 in foster care is absent from school due to a verified court

1 appearance or related court ordered activity or a delay in securing  
2 appropriate transportation for the pupil to his or her school of  
3 origin, no lowering of his or her grades will occur as a result of  
4 the absence of the pupil from either the former or current school,  
5 and the pupil shall be provided with the opportunity to make up  
6 school or homework missed under these circumstances.

7 (i) For the purposes of this section, “pupil in foster care” means  
8 any child who has been removed from his or her home pursuant  
9 to Section 309 of the Welfare and Institutions Code, is the subject  
10 of a petition filed under Section 300 or 602 of the Welfare and  
11 Institutions Code, or has been removed from his or her home and  
12 is the subject of a petition filed under Section 300 or 602 of the  
13 Welfare and Institutions Code.

14 SEC. 5. Section 358.1 of the Welfare and Institutions Code is  
15 amended to read:

16 358.1. Each social study or evaluation made by a social worker  
17 or child advocate appointed by the court, required to be received  
18 in evidence pursuant to Section 358, shall include, but not be  
19 limited to, a factual discussion of each of the following subjects:

20 (a) Whether the county welfare department or social worker has  
21 considered child protective services, as defined in Chapter 5  
22 (commencing with Section 16500) of Part 4 of Division 9, as a  
23 possible solution to the problems at hand, and has offered these  
24 services to qualified parents if appropriate under the circumstances.

25 (b) What plan, if any, for return of the child to his or her parents  
26 and for achieving legal permanence for the child if efforts to reunify  
27 fail, is recommended to the court by the county welfare department  
28 or probation officer.

29 (c) Whether the best interests of the child will be served by  
30 granting reasonable visitation rights with the child to his or her  
31 grandparents, in order to maintain and strengthen the child’s family  
32 relationships.

33 (d) (1) Whether the child has siblings under the court’s  
34 jurisdiction, and, if any siblings exist, all of the following:

35 (A) The nature of the relationship between the child and his or  
36 her siblings.

37 (B) The appropriateness of developing or maintaining the sibling  
38 relationships pursuant to Section 16002.

39 (C) If the siblings are not placed together in the same home,  
40 why the siblings are not placed together and what efforts are being

1 made to place the siblings together, or why those efforts are not  
2 appropriate.

3 (D) If the siblings are not placed together, the frequency and  
4 nature of the visits between siblings.

5 (E) The impact of the sibling relationships on the child's  
6 placement and planning for legal permanence.

7 (2) The factual discussion shall include a discussion of indicators  
8 of the nature of the child's sibling relationships, including, but not  
9 limited to, whether the siblings were raised together in the same  
10 home, whether the siblings have shared significant common  
11 experiences or have existing close and strong bonds, whether either  
12 sibling expresses a desire to visit or live with his or her sibling, as  
13 applicable, and whether ongoing contact is in the child's best  
14 emotional interest.

15 (e) If the parent or guardian is unwilling or unable to participate  
16 in making an educational decision for his or her child, or if other  
17 circumstances exist that compromise the ability of the parent or  
18 guardian to make educational decisions for the child, the county  
19 welfare department or social worker shall consider whether the  
20 right of the parent or guardian to make educational decisions for  
21 the child should be limited. If the study or evaluation makes that  
22 recommendation, it shall identify whether there is a responsible  
23 adult available to make educational decisions for the child pursuant  
24 to Section 361.

25 (f) Whether the child appears to be a person who is eligible to  
26 be considered for further court action to free the child from parental  
27 custody and control.

28 (g) Whether the parent has been advised of his or her option to  
29 participate in adoption planning, including the option to enter into  
30 a postadoption contact agreement as described in Section 8714.7  
31 of the Family Code, and to voluntarily relinquish the child for  
32 adoption if an adoption agency is willing to accept the  
33 relinquishment.

34 (h) The appropriateness of any relative placement pursuant to  
35 Section 361.3. However, this consideration may not be cause for  
36 continuance of the dispositional hearing.

37 (i) Whether the caregiver desires, and is willing, to provide legal  
38 permanency for the child if reunification is unsuccessful.

39 (j) Whether a child's proposed placement takes into account the  
40 appropriateness of the current educational setting and proximity

1 to the school in which the child is enrolled at the time of placement  
2 and whether a transportation plan to ensure the continued  
3 enrollment of the child in his or her school of origin, ~~as appropriate~~  
4 *unless inappropriate*, has been developed if the placement is not  
5 in close proximity to the school of origin.

6 SEC. 6. Section 10104 is added to the Welfare and Institutions  
7 Code, to read:

8 10104. (a) The State Department of Social Services shall take  
9 all necessary actions to maximize eligibility for available federal  
10 funding for reasonable travel costs for children in foster care, in  
11 accordance with subsection 4 of Section 675 of Title 42 of the  
12 United States Code.

13 (b) County placing agencies are ultimately responsible for  
14 ensuring that a foster youth remains in his or her school of origin,  
15 ~~as appropriate~~ *unless inappropriate*, pursuant to subsection (1) of  
16 Section 675 of Title 42 of the United States Code and shall utilize  
17 Title IV-E funds in accordance with subsection (4) of Section 675  
18 of Title 42 of the United States Code to ensure that appropriate  
19 transportation to the youth's school of origin is provided.

20 SEC. 7. Section 11460 of the Welfare and Institutions Code is  
21 amended to read:

22 11460. (a) Foster care providers shall be paid a per child per  
23 month rate in return for the care and supervision of the AFDC-FC  
24 child placed with them. The department is designated the single  
25 organizational unit whose duty it shall be to administer a state  
26 system for establishing rates in the AFDC-FC program. State  
27 functions shall be performed by the department or by delegation  
28 of the department to county welfare departments or Indian tribes  
29 that have entered into an agreement pursuant to Section 10553.1.

30 (b) "Care and supervision" includes food, clothing, shelter, daily  
31 supervision, school supplies, a child's personal incidentals, liability  
32 insurance with respect to a child, reasonable travel to the child's  
33 home for visitation, and reasonable travel for the child to ~~remain~~  
34 ~~in the school in which the child is enrolled at the time of placement.~~  
35 *attend school*.

36 (1) For a child placed in a group home, care and supervision  
37 shall also include reasonable administration and operational  
38 activities necessary to provide the items listed in this subdivision.

39 (2) For a child placed in a group home, care and supervision  
40 may also include reasonable activities performed by social workers

1 employed by the group home provider which are not otherwise  
2 considered daily supervision or administration activities.

3 (c) It is the intent of the Legislature to establish the maximum  
4 level of state participation in out-of-state foster care group home  
5 program rates effective January 1, 1992.

6 (1) The department shall develop regulations that establish the  
7 method for determining the level of state participation for each  
8 out-of-state group home program. The department shall consider  
9 all of the following methods:

10 (A) A standardized system based on the level of care and  
11 services per child per month as detailed in Section 11462.

12 (B) A system which considers the actual allowable and  
13 reasonable costs of care and supervision incurred by the program.

14 (C) A system which considers the rate established by the host  
15 state.

16 (D) Any other appropriate methods as determined by the  
17 department.

18 (2) State reimbursement for the AFDC-FC group home rate to  
19 be paid to an out-of-state program on or after January 1, 1992,  
20 shall only be paid to programs which have done both of the  
21 following:

22 (A) Submitted a rate application to the department and received  
23 a determination of the level of state participation.

24 (i) The level of state participation shall not exceed the current  
25 fiscal year's standard rate for rate classification level 14.

26 (ii) The level of state participation shall not exceed the rate  
27 determined by the ratesetting authority of the state in which the  
28 facility is located.

29 (iii) The level of state participation shall not decrease for any  
30 child placed prior to January 1, 1992, who continues to be placed  
31 in the same out-of-state group home program.

32 (B) Agreed to comply with information requests, and program  
33 and fiscal audits as determined necessary by the department.

34 (3) State reimbursement for an AFDC-FC rate paid on or after  
35 January 1, 1993, shall only be paid to a group home organized and  
36 operated on a nonprofit basis.

37 (d) A foster care provider that accepts payments, following the  
38 effective date of this section, based on a rate established under this  
39 section, shall not receive rate increases or retroactive payments as  
40 the result of litigation challenging rates established prior to the

1 effective date of this section. This shall apply regardless of whether  
2 a provider is a party to the litigation or a member of a class covered  
3 by the litigation.

4 (e) Nothing shall preclude a county from using a portion of its  
5 county funds to increase rates paid to family homes and foster  
6 family agencies within that county, and to make payments for  
7 specialized care increments, clothing allowances, or infant  
8 supplements to homes within that county, solely at that county's  
9 expense.

10 (f) On or before July 1, 2011, the department, in consultation  
11 with representatives of the County Welfare Directors Association,  
12 the Chief Probation Officers of California, the California Youth  
13 Connection, child advocacy organizations, foster caregiver  
14 organizations, and other interested stakeholders, shall revise  
15 regulations relative to the care and supervision rate to take into  
16 account costs for travel to the school in which the youth is enrolled  
17 at the time of placement, as appropriate, pursuant to this section.

18 (g) Notwithstanding the Administrative Procedure Act, Chapter  
19 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
20 Title 2 of the Government Code, the department shall, in  
21 consultation with the stakeholders listed in subdivision (f), prepare  
22 for implementation of the applicable provisions of this section by  
23 publishing all-county letters or similar instructions from the  
24 director. Emergency regulations to implement this section may be  
25 adopted by the director in accordance with the Administrative  
26 Procedure Act. The initial adoption of the emergency regulations  
27 and one readoption of the initial regulations shall be deemed to be  
28 an emergency and necessary for the immediate preservation of the  
29 public peace, health, safety, or general welfare. Initial emergency  
30 regulations and the first readoption of those emergency regulations  
31 shall be exempt from review by the Office of Administrative Law.  
32 The emergency regulations authorized by this section shall be  
33 submitted to the Office of Administrative Law for filing with the  
34 Secretary of State and shall remain in effect for not more than 180  
35 days.

36 SEC. 8. Section 16010 of the Welfare and Institutions Code is  
37 amended to read:

38 16010. (a) When a child is placed in foster care, the case plan  
39 for each child recommended pursuant to Section 358.1 shall include  
40 a summary of the health and education information or records,

1 including mental health information or records, of the child. The  
 2 summary may be maintained in the form of a health and education  
 3 passport, or a comparable format designed by the child protective  
 4 agency. The health and education summary shall include, but not  
 5 be limited to, the names and addresses of the child's health, dental,  
 6 and education providers, the child's grade level performance, the  
 7 child's school record, assurances that the child's placement in  
 8 foster care takes into account proximity to the school in which the  
 9 child is enrolled at the time of placement, assurances that the  
 10 agency has coordinated with appropriate educational agencies to  
 11 ensure that the child remains in the school in which the child is  
 12 enrolled at the time of placement, *unless inappropriate*, a  
 13 transportation plan that identifies resources and funding that shall  
 14 be used, when necessary, to transport the child to the school of  
 15 origin, a record of the child's immunizations and allergies, the  
 16 child's known medical problems, the child's current medications,  
 17 past health problems and hospitalizations, a record of the child's  
 18 relevant mental health history, the child's known mental health  
 19 condition and medications, and any other relevant mental health,  
 20 dental, health, and education information concerning the child  
 21 determined to be appropriate by the Director of Social Services.  
 22 If any other provision of law imposes more stringent information  
 23 requirements, then that section shall prevail.

24 (b) Additionally, any court report or assessment required  
 25 pursuant to subdivision (g) of Section 361.5, Section 366.1,  
 26 subdivision (d) of Section 366.21, or subdivision (b) of Section  
 27 366.22 shall include a copy of the current health and education  
 28 summary described in subdivision (a).

29 (c) As soon as possible, but not later than 30 days after initial  
 30 placement of a child into foster care, the child protective agency  
 31 shall provide the caretaker with the child's current health and  
 32 education summary as described in subdivision (a). For each  
 33 subsequent placement, the child protective agency shall provide  
 34 the caretaker with a current summary as described in subdivision  
 35 (a) within 48 hours of the placement.

36 (d) (1) Notwithstanding Section 827 or any other provision of  
 37 law, the child protective agency may disclose any information  
 38 described in this section to a prospective caretaker or caretakers  
 39 prior to placement of a child if all of the following requirements  
 40 are met:

1 (A) The child protective agency intends to place the child with  
2 the prospective caretaker or caretakers.

3 (B) The prospective caretaker or caretakers are willing to  
4 become the adoptive parent or parents of the child.

5 (C) The prospective caretaker or caretakers have an approved  
6 adoption assessment or home study, a foster family home license,  
7 certification by a licensed foster family agency, or approval  
8 pursuant to the requirements in Sections 361.3 and 361.4.

9 (2) In addition to the information required to be provided under  
10 this section, the child protective agency may disclose to the  
11 prospective caretaker specified in paragraph (1), placement history  
12 or underlying source documents that are provided to adoptive  
13 parents pursuant to subdivisions (a) and (b) of Section 8706 of the  
14 Family Code.

15 (e) The child's caretaker shall be responsible for obtaining and  
16 maintaining accurate and thorough information from physicians  
17 and educators for the child's summary as described in subdivision  
18 (a) during the time that the child is in the care of the caretaker. On  
19 each required visit, the child protective agency or its designee  
20 family foster agency shall inquire of the caretaker whether there  
21 is new information that should be added to the child's summary  
22 as described in subdivision (a). The child protective agency shall  
23 update the summary with appropriate information, but not later  
24 than the next court date or within 48 hours of a change in  
25 placement. The child protective agency or its designee family  
26 foster agency shall take all necessary steps to assist the caretaker  
27 in obtaining relevant health and education information for the  
28 child's health and education summary as described in subdivision  
29 (a).

30 (f) At the initial hearing, the court shall direct each parent to  
31 provide to the child protective agency complete medical, dental,  
32 mental health, and educational information, and medical  
33 background, of the child and of the child's mother and the child's  
34 biological father if known. The Judicial Council shall create a form  
35 for the purpose of obtaining health and education information from  
36 the child's parents or guardians at the initial hearing. The court  
37 shall determine at the hearing held pursuant to Section 358 whether  
38 the medical, dental, mental health, and educational information  
39 has been provided to the child protective agency.



1 SEC. 9. Section 16500.1 of the Welfare and Institutions Code  
2 is amended to read:

3 16500.1. (a) It is the intent of the Legislature to use the  
4 strengths of families and communities to serve the needs of children  
5 who are alleged to be abused or neglected, as described in Section  
6 300, to reduce the necessity for removing these children from their  
7 home, to encourage speedy reunification of families when it can  
8 be safely accomplished, to locate permanent homes and families  
9 for children who cannot return to their biological families, to reduce  
10 the number of placements experienced by these children, to ensure  
11 that children leaving the foster care system have support within  
12 their communities, to improve the quality and homelike nature of  
13 out-of-home care, and to foster the educational progress of children  
14 in out-of-home care.

15 (b) In order to achieve the goals specified in subdivision (a),  
16 the state shall encourage the development of approaches to child  
17 protection that do all of the following:

18 (1) Allow children to remain in their school of origin, *unless*  
19 *inappropriate*, in close proximity to their families.

20 (2) Increase the number and quality of foster families available  
21 to serve these children.

22 (3) Use a team approach to foster care that permits the biological  
23 and foster family and the child to be part of that team.

24 (4) Use team decisionmaking in case planning.

25 (5) Provide support to foster children and foster families.

26 (6) Ensure that licensing requirements do not create barriers to  
27 recruitment of qualified, high-quality foster homes.

28 (7) Provide training for foster parents and professional staff on  
29 working effectively with families and communities.

30 (8) Encourage foster parents to serve as mentors and role models  
31 for biological parents.

32 (9) Use community resources, including community-based  
33 agencies and volunteer organizations, to assist in developing  
34 placements for children and to provide support for children and  
35 their families.

36 (10) Ensure an appropriate array of placement resources for  
37 children in need of out-of-home care.

38 (11) Ensure that no child leaves foster care without a lifelong  
39 connection to a committed adult.

1 (12) Ensure that children are actively involved in the case plan  
2 and permanency planning process.

3 (c) (1) Each county shall provide the department with a disaster  
4 response plan describing how county programs assisted under Part  
5 B (commencing with Section 620) and Part E (commencing with  
6 Section 670) of Subchapter IV of Chapter 7 of Title 42 of the  
7 United States Code (Titles IV-B and IV-E of the Social Security  
8 Act) would respond to a disaster. The plan shall set forth  
9 procedures describing how each county will perform the following  
10 services:

11 (A) Identify, locate, and continue availability of services for  
12 children under state care or supervision who are displaced or  
13 adversely affected by a disaster.

14 (B) Respond, as appropriate, to new child welfare cases in areas  
15 adversely affected by a disaster, and provide services in those  
16 cases.

17 (C) Remain in communication with caseworkers and other  
18 essential child welfare personnel who are displaced because of a  
19 disaster.

20 (D) Preserve essential program records.

21 (E) Coordinate services and share information with other  
22 counties.

23 (2) The department shall review its disaster plan with respect  
24 to subparagraphs (A) to (E), inclusive, of paragraph (1), and shall  
25 revise the plan to clarify the role and responsibilities of the state  
26 in the event of a disaster.

27 (3) The department shall consult with counties to identify  
28 opportunities for collaboration between counties, and between the  
29 county and the state, in the event of a disaster.

30 (d) In carrying out the requirements of subdivisions (b) and (c),  
31 the department shall do all of the following:

32 (1) Consider the existing array of program models provided in  
33 statute and in practice, including, but not limited to, wraparound  
34 services, as defined in Section 18251, children's systems of care,  
35 as provided for in Section 5852, the Oregon Family Unity or Santa  
36 Clara County Family Conference models, which include family  
37 conferences at key points in the casework process, such as when  
38 out-of-home placement or return home is considered, and the Annie  
39 E. Casey Foundation Family to Family initiative, which uses team  
40 decisionmaking in case planning, community-based placement

1 practices requiring that children be placed in foster care in the  
2 communities where they resided prior to placement, and involve  
3 foster families as team members in family reunification efforts.

4 (2) Ensure that emergency response services, family  
5 maintenance services, family reunification services, and permanent  
6 placement services are coordinated with the implementation of the  
7 models described in paragraph (1).

8 (3) Ensure consistency between child welfare services program  
9 regulations and the program models described in paragraph (1).

10 (e) The department, in conjunction with stakeholders, including,  
11 but not limited to, county child welfare services agencies, foster  
12 parent and group home associations, the California Youth  
13 Connection, and other child advocacy groups, shall review the  
14 existing child welfare services program regulations to ensure that  
15 these regulations are consistent with the legislative intent specified  
16 in subdivision (a). This review shall also determine how to  
17 incorporate the best practice guidelines for assessment of children  
18 and families receiving child welfare and foster care services, as  
19 required by Section 16501.2.

20 (f) The department shall report to the Legislature on the results  
21 of the actions taken under this section on or before January 1, 2002.

22 ~~SEC. 10. Section 16501.1 of the Welfare and Institutions Code~~  
23 ~~is amended to read:~~

24 ~~16501.1. (a) (1) The Legislature finds and declares that the~~  
25 ~~foundation and central unifying tool in child welfare services is~~  
26 ~~the case plan.~~

27 ~~(2) The Legislature further finds and declares that a case plan~~  
28 ~~ensures that the child receives protection and safe and proper care~~  
29 ~~and case management, and that services are provided to the child~~  
30 ~~and parents or other caretakers, as appropriate, in order to improve~~  
31 ~~conditions in the parent's home, to facilitate the safe return of the~~  
32 ~~child to a safe home or the permanent placement of the child, and~~  
33 ~~to address the needs of the child while in foster care.~~

34 ~~(b) (1) A case plan shall be based upon the principles of this~~  
35 ~~section and shall document that a preplacement assessment of the~~  
36 ~~service needs of the child and family, and preplacement preventive~~  
37 ~~services, have been provided, and that reasonable efforts to prevent~~  
38 ~~out-of-home placement have been made.~~

1     ~~(2) In determining the reasonable services to be offered or~~  
2     ~~provided, the child's health and safety shall be the paramount~~  
3     ~~concerns.~~

4     ~~(3) Reasonable services shall be offered or provided to make it~~  
5     ~~possible for a child to return to a safe home environment, unless,~~  
6     ~~pursuant to subdivisions (b) and (e) of Section 361.5, the court~~  
7     ~~determines that reunification services shall not be provided.~~

8     ~~(4) If reasonable services are not ordered, or are terminated,~~  
9     ~~reasonable efforts shall be made to place the child in a timely~~  
10    ~~manner in accordance with the permanent plan and to complete~~  
11    ~~all steps necessary to finalize the permanent placement of the child.~~

12    ~~(e) (1) If out-of-home placement is used to attain case plan~~  
13    ~~goals, the decision regarding choice of placement shall be based~~  
14    ~~upon selection of a safe setting that is the least restrictive or most~~  
15    ~~familylike and the most appropriate setting that is available and~~  
16    ~~in close proximity to the parent's home, proximity to the child's~~  
17    ~~school, consistent with the selection of the environment best suited~~  
18    ~~to meet the child's special needs and best interests, or both. The~~  
19    ~~selection shall consider, in order of priority, placement with~~  
20    ~~relatives, tribal members, and foster family, group care, and~~  
21    ~~residential treatment pursuant to Section 7950 of the Family Code.~~

22    ~~(2) In addition to the requirements of paragraph (1), and taking~~  
23    ~~into account other statutory considerations regarding placement,~~  
24    ~~the selection of the most appropriate home that will meet the child's~~  
25    ~~special needs and best interests shall also promote educational~~  
26    ~~stability by taking into consideration proximity to the child's school~~  
27    ~~attendance area and shall include an emergency transportation plan~~  
28    ~~that identifies resources and funding that shall be used, when~~  
29    ~~necessary, to transport the child to the school of origin if the child~~  
30    ~~must be moved.~~

31    ~~(d) A written case plan shall be completed within a maximum~~  
32    ~~of 60 days of the initial removal of the child or of the in-person~~  
33    ~~response required under subdivision (f) of Section 16501 if the~~  
34    ~~child has not been removed from his or her home, or by the date~~  
35    ~~of the dispositional hearing pursuant to Section 358, whichever~~  
36    ~~occurs first. The case plan shall be updated, as the service needs~~  
37    ~~of the child and family dictate. At a minimum, the case plan shall~~  
38    ~~be updated in conjunction with each status review hearing~~  
39    ~~conducted pursuant to Section 366.21, and the hearing conducted~~  
40    ~~pursuant to Section 366.26, but no less frequently than once every~~

1 ~~six months. Each updated case plan shall include a description of~~  
2 ~~the services that have been provided to the child under the plan~~  
3 ~~and an evaluation of the appropriateness and effectiveness of those~~  
4 ~~services.~~

5 ~~(1) It is the intent of the Legislature that extending the maximum~~  
6 ~~time available for preparing a written case plan from 30 to 60 days~~  
7 ~~will afford caseworkers time to actively engage families, and to~~  
8 ~~solicit and integrate into the case plan the input of the child and~~  
9 ~~the child's family, as well as the input of relatives and other~~  
10 ~~interested parties.~~

11 ~~(2) The extension of the maximum time available for preparing~~  
12 ~~a written case plan from the 30 to 60 days shall be effective 90~~  
13 ~~days after the date that the department gives counties written notice~~  
14 ~~that necessary changes have been made to the Child Welfare~~  
15 ~~Services Case Management System to account for the 60-day~~  
16 ~~timeframe for preparing a written case plan.~~

17 ~~(e) The child welfare services case plan shall be comprehensive~~  
18 ~~enough to meet the juvenile court dependency proceedings~~  
19 ~~requirements pursuant to Article 6 (commencing with Section 300)~~  
20 ~~of Chapter 2 of Part 1 of Division 2.~~

21 ~~(f) The case plan shall be developed as follows:~~

22 ~~(1) The case plan shall be based upon an assessment of the~~  
23 ~~circumstances that required child welfare services intervention.~~  
24 ~~The child shall be involved in developing the case plan as age and~~  
25 ~~developmentally appropriate.~~

26 ~~(2) The case plan shall identify specific goals and the~~  
27 ~~appropriateness of the planned services in meeting those goals.~~

28 ~~(3) The case plan shall identify the original allegations of abuse~~  
29 ~~or neglect, as defined in Article 2.5 (commencing with Section~~  
30 ~~11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the~~  
31 ~~conditions cited as the basis for declaring the child a dependent of~~  
32 ~~the court pursuant to Section 300, or all of these, and the other~~  
33 ~~precipitating incidents that led to child welfare services~~  
34 ~~intervention.~~

35 ~~(4) The case plan shall include a description of the schedule of~~  
36 ~~the social worker contacts with the child and the family or other~~  
37 ~~caretakers. The frequency of these contacts shall be in accordance~~  
38 ~~with regulations adopted by the State Department of Social~~  
39 ~~Services. If the child has been placed in foster care out of state,~~  
40 ~~the county social worker or a social worker on the staff of the~~

1 ~~social services agency in the state in which the child has been~~  
2 ~~placed shall visit the child in a foster family home or the home of~~  
3 ~~a relative, consistent with federal law and in accordance with the~~  
4 ~~department's approved state plan. For children in out-of-state group~~  
5 ~~home facilities, visits shall be conducted at least monthly, pursuant~~  
6 ~~to Section 16516.5. At least once every six months, at the time of~~  
7 ~~a regularly scheduled social worker contact with the foster child,~~  
8 ~~the child's social worker shall inform the child of his or her rights~~  
9 ~~as a foster child, as specified in Section 16001.9. The social worker~~  
10 ~~shall provide the information to the child in a manner appropriate~~  
11 ~~to the age or developmental level of the child.~~

12 ~~(5) (A) When out-of-home services are used, the frequency of~~  
13 ~~contact between the natural parents or legal guardians and the child~~  
14 ~~shall be specified in the case plan. The frequency of those contacts~~  
15 ~~shall reflect overall case goals, and consider other principles~~  
16 ~~outlined in this section.~~

17 ~~(B) Information regarding any court-ordered visitation between~~  
18 ~~the child and the natural parents or legal guardians, and the terms~~  
19 ~~and conditions needed to facilitate the visits while protecting the~~  
20 ~~safety of the child, shall be provided to the child's out-of-home~~  
21 ~~caregiver as soon as possible after the court order is made.~~

22 ~~(6) When out-of-home placement is made, the case plan shall~~  
23 ~~include provisions for the development and maintenance of sibling~~  
24 ~~relationships as specified in subdivisions (b), (c), and (d) of Section~~  
25 ~~16002. If appropriate, when siblings who are dependents of the~~  
26 ~~juvenile court are not placed together, the social worker for each~~  
27 ~~child, if different, shall communicate with each of the other social~~  
28 ~~workers and ensure that the child's siblings are informed of~~  
29 ~~significant life events that occur within their extended family.~~  
30 ~~Unless it has been determined that it is inappropriate in a particular~~  
31 ~~case to keep siblings informed of significant life events that occur~~  
32 ~~within the extended family, the social worker shall determine the~~  
33 ~~appropriate means and setting for disclosure of this information~~  
34 ~~to the child commensurate with the child's age and emotional~~  
35 ~~well-being. These significant life events shall include, but shall~~  
36 ~~not be limited to, the following:~~

37 ~~(A) The death of an immediate relative.~~

38 ~~(B) The birth of a sibling.~~

39 ~~(C) Significant changes regarding a dependent child, unless the~~  
40 ~~child objects to the sharing of the information with his or her~~

1 siblings, including changes in placement, major medical or mental  
2 health diagnoses, treatments, or hospitalizations, arrests, and  
3 changes in the permanent plan.

4 (7) If out-of-home placement is made in a foster family home,  
5 group home, or other child care institution that is either a  
6 substantial distance from the home of the child's parent or out of  
7 state, the case plan shall specify the reasons why that placement  
8 is in the best interest of the child. When an out-of-state group home  
9 placement is recommended or made, the case plan shall, in  
10 addition, specify compliance with Section 7911.1 of the Family  
11 Code.

12 (8) (A) If out-of-home services are used, or if parental rights  
13 have been terminated and the case plan is placement for adoption,  
14 the case plan shall include a recommendation regarding the  
15 appropriateness of unsupervised visitation between the child and  
16 any of the child's siblings. This recommendation shall include a  
17 statement regarding the child's and the siblings' willingness to  
18 participate in unsupervised visitation. If the case plan includes a  
19 recommendation for unsupervised sibling visitation, the plan shall  
20 also note that information necessary to accomplish this visitation  
21 has been provided to the child or to the child's siblings.

22 (B) Information regarding the schedule and frequency of the  
23 visits between the child and siblings, as well as any court-ordered  
24 terms and conditions needed to facilitate the visits while protecting  
25 the safety of the child, shall be provided to the child's out-of-home  
26 caregiver as soon as possible after the court order is made.

27 (9) If out-of-home services are used and the goal is reunification,  
28 the case plan shall describe the services to be provided to assist in  
29 reunification and the services to be provided concurrently to  
30 achieve legal permanency if efforts to reunify fail. The plan shall  
31 also consider in-state and out-of-state placements, the importance  
32 of developing and maintaining sibling relationships pursuant to  
33 Section 16002, and the desire and willingness of the caregiver to  
34 provide legal permanency for the child if reunification is  
35 unsuccessful.

36 (10) If out-of-home services are used, the child has been in care  
37 for at least 12 months, and the goal is not adoptive placement, the  
38 case plan shall include documentation of the compelling reason  
39 or reasons why termination of parental rights is not in the child's  
40 best interest. A determination completed or updated within the

1 past 12 months by the department when it is acting as an adoption  
2 agency or by a licensed adoption agency that it is unlikely that the  
3 child will be adopted, or that one of the conditions described in  
4 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
5 be deemed a compelling reason.

6 ~~(11) (A) Parents and legal guardians shall have an opportunity~~  
7 ~~to review the case plan, and to sign it whenever possible, and then~~  
8 ~~shall receive a copy of the plan. In any voluntary service or~~  
9 ~~placement agreement, the parents or legal guardians shall be~~  
10 ~~required to review and sign the case plan. Whenever possible,~~  
11 ~~parents and legal guardians shall participate in the development~~  
12 ~~of the case plan.~~

13 ~~(B) Parents and legal guardians shall be advised that, pursuant~~  
14 ~~to Section 1228.1 of the Evidence Code, neither their signature on~~  
15 ~~the child welfare services case plan nor their acceptance of any~~  
16 ~~services prescribed in the child welfare services case plan shall~~  
17 ~~constitute an admission of guilt or be used as evidence against the~~  
18 ~~parent or legal guardian in a court of law. However, they shall also~~  
19 ~~be advised that the parent's or guardian's failure to cooperate,~~  
20 ~~except for good cause, in the provision of services specified in the~~  
21 ~~child welfare services case plan may be used in any hearing held~~  
22 ~~pursuant to Section 366.21 or 366.22 as evidence.~~

23 ~~(12) A child shall be given a meaningful opportunity to~~  
24 ~~participate in the development of the case plan and state his or her~~  
25 ~~preference for foster care placement. A child who is 12 years of~~  
26 ~~age or older and in a permanent placement shall also be given the~~  
27 ~~opportunity to review the case plan, sign the case plan, and receive~~  
28 ~~a copy of the case plan.~~

29 ~~(13) The case plan shall be included in the court report and shall~~  
30 ~~be considered by the court at the initial hearing and each review~~  
31 ~~hearing. Modifications to the case plan made during the period~~  
32 ~~between review hearings need not be approved by the court if the~~  
33 ~~casework supervisor for that case determines that the modifications~~  
34 ~~further the goals of the plan. If out-of-home services are used with~~  
35 ~~the goal of family reunification, the case plan shall consider and~~  
36 ~~describe the application of subdivision (b) of Section 11203.~~

37 ~~(14) If the case plan has as its goal for the child a permanent~~  
38 ~~plan of adoption or placement in another permanent home, it shall~~  
39 ~~include a statement of the child's wishes regarding their permanent~~  
40 ~~placement plan and an assessment of those stated wishes. The~~



1 agency shall also include documentation of the steps the agency  
2 is taking to find an adoptive family or other permanent living  
3 arrangements for the child; to place the child with an adoptive  
4 family, an appropriate and willing relative, a legal guardian, or in  
5 another planned permanent living arrangement; and to finalize the  
6 adoption or legal guardianship. At a minimum, the documentation  
7 shall include child-specific recruitment efforts, such as the use of  
8 state, regional, and national adoption exchanges, including  
9 electronic exchange systems, when the child has been freed for  
10 adoption.

11 (15) When appropriate, for a child who is 16 years of age or  
12 older, the case plan shall include a written description of the  
13 programs and services that will help the child, consistent with the  
14 child's best interests, prepare for the transition from foster care to  
15 independent living. The case plan shall be developed with the child  
16 and individuals identified as important to the child, and shall  
17 include steps the agency is taking to ensure that the child has a  
18 connection to a caring adult.

19 (g) If the court finds, after considering the case plan, that  
20 unsupervised sibling visitation is appropriate and has been  
21 consented to, the court shall order that the child or the child's  
22 siblings, the child's current caregiver, and the child's prospective  
23 adoptive parents, if applicable, be provided with information  
24 necessary to accomplish this visitation. This section does not  
25 require or prohibit the social worker's facilitation, transportation,  
26 or supervision of visits between the child and his or her siblings.

27 (h) The case plan documentation on sibling placements required  
28 under this section shall not require modification of existing case  
29 plan forms until the Child Welfare Services Case Management  
30 System is implemented on a statewide basis.

31 (i) When a child who is 10 years of age or older and who has  
32 been in out-of-home placement for six months or longer, the case  
33 plan shall include an identification of individuals, other than the  
34 child's siblings, who are important to the child and actions  
35 necessary to maintain the child's relationship with those  
36 individuals, provided that those relationships are in the best interest  
37 of the child. The social worker shall ask every child who is 10  
38 years of age or older and who has been in out-of-home placement  
39 for six months or longer to identify individuals other than the  
40 child's siblings who are important to the child, and may ask any

1 other child to provide that information, as appropriate. The social  
2 worker shall make efforts to identify other individuals who are  
3 important to the child, consistent with the child's best interests.

4 (j) The child's caregiver shall be provided a copy of a plan  
5 outlining the child's needs and services.

6 (k) On or before June 30, 2008, the department, in consultation  
7 with the County Welfare Directors Association and other  
8 advocates, shall develop a comprehensive plan to ensure that 90  
9 percent of foster children are visited by their caseworkers on a  
10 monthly basis by October 1, 2011, and that the majority of the  
11 visits occur in the residence of the child. The plan shall include  
12 any data reporting requirements necessary to comply with the  
13 provisions of the federal Child and Family Services Improvement  
14 Act of 2006 (Public Law 109-288).

15 (l) The implementation and operation of the amendments to  
16 subdivision (i) enacted at the 2005-06 Regular Session shall be  
17 subject to appropriation through the budget process and by phase,  
18 as provided in Section 366.35.

19 ~~SEC. 11.~~

20 *SEC. 10.* If the Commission on State Mandates determines that  
21 this act contains costs mandated by the state, reimbursement to  
22 local agencies and school districts for those costs shall be made  
23 pursuant to Part 7 (commencing with Section 17500) of Division  
24 4 of Title 2 of the Government Code.